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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our heavenly Father, we cry to You, but sometimes You seem so far away. In our despair, You sometimes seem distant, and we are tempted to surmise that we are all alone.

When we shout, we seem to hear the echoes of our anguish. Nonetheless, we know that You are holy, mighty, and good. We have trusted You too long to let go.

Empower our Senators for these challenging times. Remove from their minds all bitterness and contempt for one another. Keep their hearts clean, their spirits courageous, and their minds clear as they face these daunting times.

We pray in Your omnipotent Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. FISCHER). Under the previous order, the leadership time is reserved.

The President pro tempore.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 1 minute in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION SECURITY

Mr. GRASSLEY. Madam President, President Trump was rightly criticized

for dodging a question about the peaceful transfer of power. Instead, Trump criticized mail-in ballots and rejected the premise that he will lose.

No, that doesn't mean that he is planning some sort of coup, but it is important for any President to choose their words very carefully.

The same is true for partisans on the other side whipping up fear that our democracy is in jeopardy or that the ballots will not be counted. Even worse is the rhetoric setting the stage to delegitimize any future Trump victory.

We now hear full-blown conspiracy theories. Let me mention a few. A group of Biden supporters conducted a war game speculating that the President will not leave office without a Biden landslide, questioning what the military would do.

The Chairman of the Joint Chiefs of Staff stepped in with a simple civics lesson. The U.S. military has no role in the elections, he said.

Democrats have doubled down on this debunked theory that the Postal Service is plotting with Trump to disrupt the election mail. The Postal Service does not answer to the President of the United States. It has plenty of capacity to deliver election mail. Plus, the Federal Government doesn't run elections; the 50 States run those elections.

A key goal of Russian "active measures," dating back to the Cold War, has been to get Americans to doubt their government, its leaders, and democratic institutions. Let's not do Russia's dirty work for them. No American should be questioning our free and fair elections.

Now to my State of Iowa. Our people who have requested absentee ballots will have ballots mailed to them starting on October 5. Remember to fill it out completely, including your driver's license or voter PIN number, and mail them to your county auditor well before election day but not later than the day before.

Your ballot can be tracked on the secretary of state's website. Check out where your ballot is.

I have great faith in Iowa's election officials and our postal workers. Iowans who vote in person or absentee can be assured that your vote will count—the same as any election.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF AMY CONEY BARRETT

Mr. McCONNELL. Madam President, at this time last week, the Nation did not know whom President Trump would be nominating to the Supreme Court, but, amazingly, we did know what kinds of false attacks the far left would deploy against whoever it was.

Democrats and special interests have been telling the country for 45 years—45 years—that every Supreme Court vacancy under a Republican President was going to bring about the apocalypse. John Paul Stevens, they said, was anti-woman. David Souter, they said, wanted to hurt vulnerable people. John Roberts was out to get health insurance.

And wouldn't you know, the President had barely finished saying Judge Amy Coney Barrett's name before the same old attacks began rolling in. Our 77-year-old male former Vice President and our 69-year-old male Senate Democratic leader have tried to inform

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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American women that this 48-year-old working mom wants to roll back her own rights as a woman—roll back her own rights as a woman.

Democrats have tried to fearmonger around a 4-year-old academic paper that reinforced one unfair penalty in ObamaCare, which Congress, by the way, already eliminated 3 years ago.

As an aside, if the American people are interested in which Senators are serious about protecting Americans with preexisting conditions, they can simply look up the vote Senators took last night—just last night. Every single Democrat voted against legislation from Senator TILLIS that would have cemented protections for these vulnerable Americans.

Democrats voted to block protections for preexisting conditions just like they voted to block hundreds of billions of dollars for coronavirus relief and just like they voted to block police reform—and a thousand other things they tell Americans they support but vote against to block bipartisan progress.

So here is another one of the made-up attacks: Democrats are demanding that Judge Barrett commit in advance—in advance—to recuse herself from entire categories of cases for no reason. This is another totally invented standard. Nobody has ever suggested that Supreme Court Justices should categorically sit on the sidelines until the President who nominated them has left office. What an absurd suggestion.

Justices Ginsburg and Breyer were confirmed during President Clinton's very first term. Justices Sotomayor and Kagan were confirmed during President Obama's first term. All four of these Justices went on to participate in election-related proceedings while the President who had nominated them was on the ballot.

Justices Breyer and Ginsburg participated actively in Clinton v. Jones and other matters connected to President Clinton's eventual impeachment. In fact, they urged and attempted to get the Supreme Court even more involved.

This is a sideshow—a sideshow. If Judge Barrett is confirmed, she will swear an oath. She will have a lifetime appointment. Nobody seriously is suggesting she lacks any bit of the integrity which everyone trusted Justice Ginsburg, Justice Breyer, Justice Sotomayor, Justice Kagan, and countless others to exercise. In fact, her integrity and independence are precisely what Judge Barrett's peers across the political spectrum go out of their way to applaud.

Judge Barrett has no obligation to make any of the bizarre—bizarre—prejudgments that our Democratic colleagues are demanding. Like I said, much of the script has been entirely predictable.

I will tell you one thing I did not predict. I honestly did not expect the Democratic leader to come to the Senate floor and say that concerns about

anti-religious discrimination are “manufactured hysterics.” I didn't expect that.

I do not expect we will hear the leader of the Democratic conference stand on the Senate floor and say that America's freedom of religion is “an imaginary issue.”

The Democratic leader claimed indignantly that his fellow Democrats would never—never—make an issue out of a nominee's personal religious beliefs. He took great offense that such a thing would even be suggested.

But the whole country knows that, 3 years ago, when the Judiciary Committee was considering this very nominee—this one—for her current position, Senate Democrats did precisely that, exactly that. The senior Senator from California literally implied in front of the entire country that Judge Barrett was too Catholic—too Catholic—to be a judge. Here was the quote: “The dogma lives loudly within you,” she said. “And that's of concern.”

The senior Senator from Illinois asked Judge Barrett in the official record—listen to this—“Do you consider yourself an ‘orthodox Catholic?’”

The junior Senator from Hawaii felt compelled to tell the nominee—listen to this—“You would be a Catholic judge.” “You would be a Catholic judge.”

No one imagined these exchanges, but they happened on video before the entire Nation. Multiple sitting Senators fretted in an open hearing that Judge Barrett's religious views created doubts about her fitness to serve.

Outside the Senate, it was not imaginary when one faith group in which Judge Barrett and her family participate reportedly came under cyber attack a few days ago. Their membership directory was reportedly hacked, just as Judge Barrett emerged as a frontrunner.

Nobody had to imagine the ominous articles from AP, Reuters, the Washington Post, and POLITICO, all implying there was something questionable—questionable—or problematic about Judge Barrett's faith practices.

Nobody had to imagine POLITICO sending a contributing editor to snoop around the church buildings and report what a youth group had written on their whiteboard.

So, no, Americans don't have to imagine this elite disdain. All they have to do is read it.

It is not just this one nominee. Nobody imagined it when the junior Senator from Vermont accused a different nominee of hatred and Islamophobia because he had previously expressed a personal view that Christianity gets things right, which Islam gets wrong.

It is not imaginary when the junior Senator from California cast aspersions on yet another nominee for—listen to this—belonging to the Knights of Columbus. And another Democrat implied he should quit this mainstream Catholic group if he wanted to hold public office. Quit the Knights of Columbus if

you want to hold public office? In America?

The Democratic leader says these are manufactured hysterics. He says people who call this out are hysterical. Frankly, it would be better for our country if that were true, but that is not the case.

Just yesterday, 24 hours after the Democratic leader swore that Democrats would not make this an issue, the junior Senator from Hawaii tried to say Judge Barrett's faith is “irrelevant” but immediately proceeded to question “whether her closely held views can be separated from her ability to make objective, fair decisions.” No one—no one—should be deceived by these thinly veiled euphemisms.

This is the exact form that religious discrimination had taken in America for decades—for decades—especially when it comes to public service.

We do not often hear people say they simply dislike a particular religion altogether. Thank goodness we are mostly past that kind of bigotry. No, going all the way back to Jack Kennedy, the more common accusation has been something a little more subtle—that people of deep faith or certain faiths are incapable of being fair or objective; that they are incapable of doing certain jobs well; that such Americans are torn between divided loyalties and not to be trusted.

Here is what the left is trying to say: Oh, we have no problems—no problems—with Judge Barrett's faith in an abstract sense. We just think it disqualifies her from this promotion.

Madam President, that is the definition of discrimination.

About a century ago, openly anti-Catholic political cartoons pictured the Pope or the Catholic Church as an octopus wrapping its tentacles around the institutions of American Government. Thankfully those displays are long gone, but the core attitude clearly is not.

Americans of faith are not imagining the increasingly hostile climate that the political left and the media have spent literally years sowing. And, no, there is no free pass, as some commentators have suggested, because many prominent liberal voices or prominent Democrats themselves identify as Catholic. You don't get a free pass just by calling yourself a Catholic.

More than one-fifth of our country belongs to the same church as Judge Barrett—one-fifth of our country. Tens and tens of millions of Americans—all of them—like all Americans, must be free to live their faiths in diverse and different ways without being barred—without being barred—from public service. These kinds of aspersions do not become any more acceptable if the call is coming from inside the house.

Sadly, none of these problems are imaginary. The American people's concerns are not manufactured.

The Little Sisters of the Poor did not wake up thinking it would be good fun if the Obama-Biden administration tried to force them to violate their own

consciences. These nuns did not manufacture their lengthy legal battle for the fun of it. It was the secularizing left that went on offense.

Churches all across America did not go looking for one of this cycle's Democratic Presidential contenders to suggest places of workshop should lose their tax exempt status if they preach or practice traditional teaching. It was the secularizing left that went on offense.

If parts of the elite American left have become this out of touch with mainstream religious beliefs held by millions and millions of their fellow citizens, it will take more than victim blaming to dig out of it. They could start this week. They could start today.

They could commit to evaluating Judge Barrett on her credentials and her qualifications, and they could stop gawking at deeply religious Americans like they have encountered extra-terrestrial life or bought a ticket for a safari.

MEASURES PLACED ON THE CALENDAR—S. 4773, S. 4774, S. 4775

Mr. MCCONNELL. Madam President, I understand there are three bills at the desk due for a second reading, en bloc.

The PRESIDING OFFICER. The leader is correct.

The clerk will read the bills by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 4773) to establish the Paycheck Protection Program Second Draw Loan, and for other purposes.

A bill (S. 4774) to provide support for air carrier workers, and for other purposes.

A bill (S. 4775) to provide continued emergency assistance, educational support, and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic.

Mr. MCCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceedings, en bloc.

The PRESIDING OFFICER. Objection being heard, the measures will be placed on the calendar, en bloc.

PROTECT ACT—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I move to proceed to Calendar No. 554, S. 4675.

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The senior assistant legislative clerk read as follows:

Motion to proceed to S. 4675, a bill to amend the Health Insurance Portability and Accountability Act.

The PRESIDING OFFICER. The assistant Democratic leader.

UNANIMOUS CONSENT REQUEST—H.R. 5602

Mr. DURBIN. Madam President, I come to the floor today to speak to one

of the most significant issues facing the security of our Nation. It is a question of domestic terrorism, specifically the threat of violent White supremacists.

In Tuesday's Presidential debate, moderator Chris Wallace asked President Trump to condemn White supremacists and rightwing militia. President Trump refused. Instead, he replied—and I quote—"Proud Boys, stand back and stand by."

The Proud Boys, a far-right group that promotes and engages in violence, viewed President Trump's words as a call to action. The group's leader Joe Biggs said he took the President's words as a directive to "[F] . . . them up."

I was appalled, but not surprised, by the President's words. He has a long history of inflammatory, racist remarks. Now, President Trump claims that violence is a "left-wing problem, not a right-wing problem"—his words.

Let me be clear. I join Vice President Biden in condemning all violence, but we know that White supremacists pose a great threat. An unclassified May 2017 FBI-DHS joint intelligence bulletin found that "white supremacist extremism poses [a] persistent threat of lethal violence." This was a finding by the lead law enforcement agencies of the Trump administration. They went on to say that White supremacists were responsible for more homicides from 2000 to 2016 than any other domestic extremist movement. The director of the FBI, Christopher Wray, in response to a question I posed in the Senate Judiciary Committee last year, said that the majority of domestic terrorism arrests involved White supremacists.

Now, for years, I have urged the Trump administration to respond to the ongoing threat of violent White supremacists and other far-rightwing extremists. Instead, they have repeatedly downplayed this very lethal and real threat.

Attorney General Barr has never responded to the multiple letters I have sent, asking what the Department of Justice was doing to combat White supremacist violence.

Unfortunately, as we have learned from former Trump administration officials themselves, the Trump administration has downplayed the threat of violent White supremacists. POLITICO recently reported that a draft homeland threat assessment report from DHS was edited to weaken language on the threat posed by violent White supremacists. And a DHS whistleblower alleged that DHS officials, including Ken Cuccinelli, requested the modification of the report to make the threat of White supremacists "appear less severe" and add information on violent leftwing groups.

It is not enough to just stand here and condemn the President's remarks at the infamous debate. The American people sent us to Congress to act. There is something we can do now.

There is something that we can do that will show we are prepared to respond to this threat to law and order, to this threat of violent White supremacists.

I am the lead sponsor of the Domestic Terrorism Prevention Act, bipartisan legislation that would address the threat of violent White supremacists and other domestic terrorists.

Our bill would establish offices to combat domestic terrorism at the Department of Justice, the FBI, and the Department of Homeland Security. It would require these offices to regularly assess the domestic terrorism threat and focus their limited resources on the most significant threats. Critically, they would provide training resources to assist State, local, and Tribal law enforcement in addressing the domestic terrorism threat. The House companion to my bill was introduced by my colleague and friend Congressman BRAD SCHNEIDER of Illinois.

Just last week, the House of Representatives passed our bill on a unanimous voice vote. The Senate should pass it today.

In a few moments, staff will provide me with the language to ask for a unanimous consent. I am waiting so there is an opportunity for both sides to discuss the procedure moving forward. In the meantime, several of my colleagues have asked to come to the floor and address the issue. I would yield to them for comment or question, through the Chair, with the hopes that when the procedural language arrives, I might be able to make the unanimous consent request.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, we are here today on probably one of the most serious national security issues that we will confront. I say that as a member of the Armed Services Committee, having received a variety of classified briefings on threats to this country. Some of them regarding ongoing foreign interference in our election are truly chilling. But the threat to our national security from White supremacists, now operating so openly that the Director of the FBI has said they are one of the paramount threats and an ongoing security threat to our Nation, demands that there should be action now.

The bill that my colleague Senator DURBIN is offering passed unanimously by the House of Representatives within recent days. Let me repeat. It passed unanimously by the House of Representatives. It reflects the real and urgent danger of this threat.

The President has refused to denounce White supremacists. The President has told one of the most prominent of those groups to stand by. That failure—an abject failure on the part of the Commander in Chief—to respond to an ongoing security threat demands this action now. We must stand up for the integrity of our elections, the security of our Nation, and the fundamental freedoms that we prize as American people.